

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Nicholas Venduras	Team: Squad #16	CCRB Case #: 202201013	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Wednesday, 02/16/2022 8:06 PM	Location of Incident: 401 7th Avenue	18 Mo. SOL 8/16/2023	Precinct: 14		
Date/Time CV Reported Thu, 02/17/2022 2:52 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Thu, 02/17/2022 2:52 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DTS Darryle Lamb	07060	933910	HLTH & WELL
2. An officer			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. PO Mohamed Shemeis	27509	972422	033 PCT
2. PO Dominick Francois	14409	944574	H&W EAU
3. SGT DS Cristina Felix	04962	945815	IAB

Officer(s)	Allegation	Investigator Recommendation
A.DTS Darryle Lamb	Abuse: Detective Darryle Lamb stopped the vehicle in which § 87(2)(b) was an occupant.	
B.DTS Darryle Lamb	Abuse: Detective Darryle Lamb threatened to arrest § 87(2)(b)	
C.DTS Darryle Lamb	Abuse: Detective Darryle Lamb threatened § 87(2)(b) with the use of force.	
D.DTS Darryle Lamb	Discourtesy: Detective Darryle Lamb spoke discourteously to § 87(2)(b)	
E.DTS Darryle Lamb	Force: Detective Darryle Lamb used physical force against § 87(2)(b)	
F. An officer	Force: An officer used physical force against § 87(2)(b)	

Case Summary

On February 17, 2022, § 87(2)(b) filed this complaint via the CCRB on-line website.

On February 16, 2022, at approximately 8:06 PM, § 87(2)(b) double parked his vehicle while driving for Uber in front of the Hotel Pennsylvania located at 401 7th Avenue in Manhattan. Detective Darryle Lamb approached to tell him to move the vehicle (**Allegation A: Abuse of Authority**, § 87(2)(g)). Det. Lamb subsequently threatened to arrest § 87(2)(b) (**Allegation B: Abuse of Authority**, § 87(2)(g)). At one point, Det. Lamb threatened to drag § 87(2)(b) out of his vehicle and asked if § 87(2)(b) wanted to do things the “hard way” (**Allegations C: Abuse of Authority**, § 87(2)(g)).

While speaking to § 87(2)(b) Det. Lamb asked, “What the fuck are you doing?” and called him a “smartass” (**Allegations D: Discourtesy**, § 87(2)(g)). Det. Lamb also handcuffed § 87(2)(b) left wrist and attempted to pull him out of the vehicle (**Allegation E: Force**, § 87(2)(g)). Another officer also allegedly attempted to pull § 87(2)(b) out of his vehicle (**Allegation F: Force**, § 87(2)(g)).

The investigation did not obtain any Body-Worn Camera (BWC) videos of this incident as no officers present were assigned BWCs (**Board Review 1**). § 87(2)(b) provided a dashcam video showing portions of the incident (**Board Review 2**).

This case was originally assigned to former Investigator Joseph Hennessy and, upon his departure from the agency, was reassigned to Investigator Nick Venduras.

Findings and Recommendations

Allegation (A) Abuse of Authority: Detective Darryle Lamb stopped the vehicle in which § 87(2)(b) was an occupant.

Allegation (B) Abuse of Authority: Detective Darryle Lamb threatened to arrest § 87(2)(b).

Allegation (C) Abuse of Authority: Detective Darryle Lamb threatened § 87(2)(b) with the use of force.

Allegation (D) Discourtesy: Detective Darryle Lamb spoke discourteously to § 87(2)(b).

Allegation (E) Force: Detective Darryle Lamb used physical force against § 87(2)(b).

Allegation (F) Force: An officer used physical force against § 87(2)(b).

When § 87(2)(b) an Uber driver, double parked his vehicle next to the Hotel Pennsylvania to wait for a passenger, he tried to park about 10 inches away from Det. Lamb’s unmarked police vehicle to avoid impeding traffic (**Board Review 3**). Det. Lamb, who was on the sidewalk, approached § 87(2)(b) vehicle and told him he had to leave, although § 87(2)(b) told him he worked for Uber. § 87(2)(b) asked Det. Lamb why he had to move, to which Det. Lamb responded, “Because I said so.” Det. Lamb then told § 87(2)(b) to turn off his vehicle and exit. When § 87(2)(b) asked Det. Lamb repeatedly for a reason why, Det. Lamb only said, “Because I said so.” Det. Lamb then threatened to drag § 87(2)(b) out if he did not exit the vehicle.

§ 87(2)(b) told Det. Lamb to not drag him out of the car and asked for a reason why he needed to exit (**Board Review 3**). Det. Lamb responded, “You want to make it the easy way or the hard

way?” § 87(2)(b) tried to get out of his vehicle, but as he was double parked, he did not want to hit his car or the NYPD vehicle next to him. He asked Det. Lamb if he could move to give him more space, but Det. Lamb said, “If you turn on the car again, it’s going to be worse for you.”

§ 87(2)(b) then asked Det. Lamb for his name and precinct. Det. Lamb stated his name but said “the judge” would tell § 87(2)(b) his precinct (**Board Review 3**). Det. Lamb then handcuffed § 87(2)(b) left hand, which was hanging out of the window and § 87(2)(b) pulled it inside the vehicle. Det. Lamb made statements like, “Stop resisting,” “What the fuck are you doing?” “Don’t play games,” “It’s not a time to be smartass,” and, told § 87(2)(b) that he watched too many movies.

At one point, an unidentified white male uniformed officer joined Det. Lamb (**Board Review 3**). Det. Lamb held § 87(2)(b) left wrist with one or both hands and the second officer gripped the top of § 87(2)(b) left shoulder. The officers then pulled § 87(2)(b) towards the car’s open window. At that point, § 87(2)(b) told the officers about a previous neck surgery, showed them the scar as proof, and threatened to sue them, at which point the white officer let go. Det. Lamb stopped pulling but kept hold of § 87(2)(b) left wrist. Det. Lamb said he would call an ambulance to remove § 87(2)(b) from the car, which § 87(2)(b) said was fine.

During this interaction, Det. Lamb yelled there was a gun in the vehicle and asked if § 87(2)(b) was pointing one at him (**Board Review 3**). § 87(2)(b) thought Det. Lamb mistook the dashcam for a weapon and said he did not have one. After asking about a black leather jacket on the front passenger seat, Det. Lamb dropped the subject.

Det. Lamb asked § 87(2)(b) for his driver’s license, which he provided (**Board Review 3**). Det. Lamb noticed a business card from § 87(2)(b) friend, Police Officer Mohamed Shemis of the 33rd Precinct, in his wallet. Det. Lamb called PO Shemis and then told § 87(2)(b) he could leave. Det. Lamb walked away without offering him a business card.

Det. Lamb said he was standing on the southeast corner of 33rd Street and 7th Avenue in uniform when he saw § 87(2)(b) SUV pull up next to Det. Lamb’s and PO Francois’ parked unmarked vehicle, blocking traffic (**Board Review 4**). § 87(2)(b) backed over a stanchion twice and then parked inches from Det. Lamb’s vehicle. Det. Lamb assumed § 87(2)(b) was intoxicated because half the vehicle blocked traffic. Det. Lamb walked between his vehicle and § 87(2)(b) vehicle, approximately six inches of space, to ask § 87(2)(b) to roll down his window and ask what he was doing. § 87(2)(b) said he parked there all the time.

§ 87(2)(b) was moving around inside the vehicle, so Det. Lamb first asked him to turn it off and remain still. Shortly after, Det. Lamb told § 87(2)(b) to exit his vehicle (**Board Review 4**). During his interview, Det. Lamb explained he wanted § 87(2)(b) to exit the vehicle to determine if he was intoxicated based on how the SUV was partially blocking traffic. § 87(2)(b) kept moving around, asked why he needed to get out of his vehicle, said he would not, and told Det. Lamb he had no authority to make him.

Det. Lamb told him to remove the keys from the ignition, which § 87(2)(b) did (**Board Review 4**). Det. Lamb repeated his instructions to exit, but § 87(2)(b) kept arguing. In response, Det. Lamb showed § 87(2)(b) his handcuffs and said if § 87(2)(b) did not get out, Det. Lamb would place him under arrest, but § 87(2)(b) remained inside and continued to argue. Det. Lamb

described § 87(2)(b) as “combative” and suspicious because he questioned Det. Lamb’s authority and would not stop moving.

§ 87(2)(b) started reaching around the vehicle, specifically in the console area, so Det. Lamb told him to stop (**Board Review 4**). § 87(2)(b) who seemed to be looking for something, did not open any compartments, but Det. Lamb could not see where he was reaching. Det. Lamb repeated his instructions to exit but § 87(2)(b) reached down inside the vehicle while keeping his left arm resting in place on the window sill. Det. Lamb then grabbed § 87(2)(b) left arm, handcuffed it, and held it in place because he did not want to give § 87(2)(b) an opportunity to pull something out that could potentially harm him.

Det. Lamb told § 87(2)(b) to stop reaching around, but § 87(2)(b) yanked his arm back inside the car, pulling Det. Lamb’s arm inside too (**Board Review 4**). Det. Lamb then pulled his arm back out and instructed § 87(2)(b) to stop. § 87(2)(b) told Det. Lamb he was only reaching for his wallet, which Det. Lamb said should have been relayed to him earlier. While Det. Lamb still held onto § 87(2)(b) arm, § 87(2)(b) gave Det. Lamb his driver’s license.

At that point, Det. Lamb relaxed because he did not smell any alcohol in the vehicle or on § 87(2)(b) breath (**Board Review 4**). After looking at § 87(2)(b) license, Det. Lamb told him he was parked illegally and drove over the stanchion, to which § 87(2)(b) again stated he parked there all the time.

Det. Lamb noticed a police card in § 87(2)(b) wallet and called the number, but there was no answer (**Board Review 4**). He called because he would want to know if one of the people to whom he had given a card had a police interaction and were combative like § 87(2)(b). Det. Lamb then removed the handcuffs and § 87(2)(b) showed him a scar on his neck, explaining he just had surgery which was why he could not get out. § 87(2)(b) also told Det. Lamb there was not enough space to get out, so Det. Lamb instructed him to pull ahead for more space.

The sergeant for the day arrived shortly after to sign Det. Lamb’s memo book and then Det. Lamb returned to § 87(2)(b) reiterating his violations (**Board Review 4**). He told § 87(2)(b) to comply with officers’ instructions, returned his license, and walked away. § 87(2)(b) then exited to ask if he was free to go and when Det. Lamb said he was, § 87(2)(b) left.

PO Francois was nearby, but Det. Lamb was unable to say what he might have seen and did not recall other officers speaking to § 87(2)(b) (**Board Review 4**). At no point in this interaction did § 87(2)(b) ask for a business card. Det. Lamb did not offer one because § 87(2)(b) was not intoxicated and said he normally parked there. Det. Lamb thought such parking might have actually been allowed.

Det. Lamb used his discretion to not arrest or summons § 87(2)(b) but could have done so for the traffic violations (**Board Review 4**). Det. Lamb also said § 87(2)(b) could have been charged with intoxication, contradictory to his statement that he did not think § 87(2)(b) was intoxicated.

Det. Lamb’s memo book shows Sergeant Cristina Felix, a Hispanic female, signed Det. Lamb’s memo book around the time of the incident (**Board Review 5**).

In his statement, PO Francois remembered he and Det. Lamb were outside their vehicle when § 87(2)(b) blocked traffic and their emergency vehicle when he double parked near them (**Board**

Review 6). As Det. Lamb addressed the situation, PO Francois remained about five or six feet away towards the rear of § 87(2)(b) vehicle. The space between the two vehicles was too small for PO Francois, who is a Black male, 6'1" tall and 310 lbs., to fit and PO Francois did not talk to § 87(2)(b).

PO Francois did not recall other officers arriving on scene (**Board Review 6**). He was unaware of Det. Lamb's suspicion of a firearm and did not see Det. Lamb put handcuffs on § 87(2)(b) or try to pull § 87(2)(b) out of the vehicle. He did not recall hearing Det. Lamb threaten to use force on § 87(2)(b) threaten to arrest him, or use profanity. PO Francois did not recall hearing § 87(2)(b) ask for a business card nor did he know if Det. Lamb provided one.

§ 87(2)(b) provided a dashcam video (recorded just after 8:00 PM based on the timestamp in the lower left corner), which does not show any of this interaction as the camera points forward, but the conversation is audible (**Board Review 2**). At the beginning of the video shows a still photo of Det. Lamb by § 87(2)(b) vehicle. The video occasionally skips back and forth for periods of less than a second, which may be due to how the dashcam records on a "loop." At timestamp 3:40, § 87(2)(b) vehicle appears to not be in a traffic lane, but in a protected, striped non-travel lane. The dashcam footage is generally consistent regarding the conversation between Det. Lamb and § 87(2)(b).

Between 00:02 and 00:34, § 87(2)(b) tells Det. Lamb that he works for Uber and asks why needed to move (**Board Review 2**). At timestamp 00:34, after § 87(2)(b) asks why again, Det. Lamb states, "If I tell you again, I'm going to drag you out the car." This prompts § 87(2)(b) to ask why he needs to get out again and Det. Lamb repeats, "Because I said so." At timestamp 1:11, § 87(2)(b) asks if he can move his vehicle because he does not want to hit Det. Lamb's police vehicle. Det. Lamb tells § 87(2)(b) the situation would "escalate into something [he is] not ready for" if he turns on the engine. At that point, § 87(2)(b) asks for his name and Det. Lamb answers, "Lamb, you can see it. Get out the car."

At timestamp 1:54, as Det. Lamb and § 87(2)(b) dispute whether § 87(2)(b) had space to exit, Det. Lamb calls § 87(2)(b) a "smartass" (**Board Review 2**). At timestamp 2:40, Det. Lamb tells § 87(2)(b) to put his hands through the window adding "We'll just lock you up." Shortly after, Det. Lamb asks if § 87(2)(b) is pointing a gun at him, which § 87(2)(b) denies. Det. Lamb again tells him to put his hands out the window and at timestamp 3:17, the sound of handcuffs clicking can be heard with § 87(2)(b) saying, "Don't lock me up!" At timestamp 3:28, Det. Lamb asks, "What the fuck did I just say?" and the two argue about § 87(2)(b) ability to exit the vehicle. § 87(2)(b) offers to show his surgical scars and asks to move his car to allow him the space to get out. At timestamp 4:20, Det. Lamb asks for § 87(2)(b) driver's license and at timestamp 5:46, he references the police card in § 87(2)(b) wallet. Det. Lamb instructs § 87(2)(b) to call the number, but there appears to be no answer. No further conversation between Det. Lamb and § 87(2)(b) is in this footage and at timestamp 7:40, the video ends.

During their interviews, Det. Lamb and PO Francois reviewed this video footage and provided some explanations as to what took place. When Det. Lamb told § 87(2)(b) "Don't make this worse that it is," he did so to de-escalate the situation, but said he would "drag" § 87(2)(b) out to underscore the severity of his command (**Board Review 4**). He made the statement about the situation "escalating into something" § 87(2)(b) was "not ready for" because he could not risk a potentially intoxicated person driving away. Det. Lamb heard himself call § 87(2)(b) a "Smart Alec" rather than a "smartass" in the video and said he used this term due to § 87(2)(b).

combative nature.

Regarding his accusation of a gun being in § 87(2)(b) vehicle, Det. Lamb explained when § 87(2)(b) reached into the center console for his wallet, Det. Lamb misidentified a comb with a black handle as a gun (**Board Review 4**). Once § 87(2)(b) moved the object to get his wallet, Det. Lamb saw that it was a comb.

Det. Lamb explained he used the word “fuck” to underscore his authority because § 87(2)(b) yanked his left arm back into the vehicle and raised his right fist to a position where he could strike Det. Lamb (**Board Review 4**). Det. Lamb believed § 87(2)(b) attempted to hit him, but stopped when he realized he would not be able to from his position while handcuffed.

PO Francois did not provide any additional details regarding Det. Lamb’s actions and statements after reviewing the video (**Board Review 6**).

Google street view images taken in August 2021 and August 2022 show a “no standing – hotel loading zone” sign (**Board Review 7**).

According to New York City Traffic Law Section 4-08 (f)(1), double parking is generally not allowed (**Board Review 8**). However, Section 4-08(c)(5) allows temporary parking and standing within a “hotel loading zone” while receiving or discharging passengers and their luggage. While such parking and standing is allowed, Section 4-12 (a)(1) states drivers must comply with any direction given by a law enforcement officer.

Although it is undisputed that § 87(2)(b) was double parked, § 87(2)(b) was allowed to wait in that designated area to pick up a passenger as there was a “no standing – hotel loading zone sign.” However, § 87(2)(g) § 87(2)(b) was blocking the officers’ vehicle from leaving, § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

In *People v Desmornes*, 61 Misc. 3d 224, the court ruled that while an officer may arrest a person for a minor traffic violation, issuing a summons is strongly preferred when this alternative is available as officers do not need the vehicle operator’s pedigree to issue a parking ticket (**Board Review 9**). An officer would need to show why an arrest was necessary and prudent if that officer could have issued a summons for such a minor traffic violation.

It is undisputed that § 87(2)(b) was double parked § 87(2)(g)

§ 87(2)(g)

§ 87(2)(b) Det. Lamb could have simply written a parking ticket without ever asking § 87(2)(b) to exit his vehicle or even provide identification. Furthermore, Det. Lamb continuously escalated the situation and threatened to arrest § 87(2)(b) within three minutes of the back-and-forth conversation between § 87(2)(b) and Det. Lamb. § 87(2)(b) main reason for not following Det. Lamb’s instructions appears to be the physical difficulty he would have in doing so and he mostly expressed doubt about being able to fit into the tight space, making multiple references to his recent surgery. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Patrol Guide Procedure 221-01 instructs officers on when they may use force against a civilian (**Board Review 10**). Force is allowed “when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape.” It warns officers against abusing this power and instructs them to use de-escalation techniques to “reduce or eliminate the necessity to use force.”

As video evidence shows, Det. Lamb escalated the interaction and unnecessarily introduced the possibility of force over a minor parking violation. Almost immediately after § 87(2)(b) asks for further explanation for Det. Lamb’s instructions, Det. Lamb responds because he “said so,” warns § 87(2)(b) the situation could get worse, and threatens to “drag” him out of his vehicle. § 87(2)(b) actions did not indicate he was a threat to anyone nor was he attempting to flee and § 87(2)(b) never verbally threatened Det. Lamb. As such, Det. Lamb’s threats of force were unnecessary. Additionally, instead of deescalating the situation to attempt to gain compliance, Det. Lamb handcuffed § 87(2)(b) and attempted to pull him out of the vehicle. § 87(2)(g)

There appears to be no evidence supporting § 87(2)(b) allegation that a white male officer also attempted to pull § 87(2)(b) out of his vehicle. PO Francois and Sgt. Felix do not match this description and neither Det. Lamb nor PO Francois recalled other officers interacting with § 87(2)(b) inside the vehicle. § 87(2)(g)

Patrol Guide Procedure 200-02 states officers must “maintain a higher standard of integrity” and must “respect the dignity of each individual” with “courtesy and civility” (**Board Review 11**). In *DCT Case #79627/04* Assistant Deputy Commissioner of Trials Robert W. Vinal, ruled, “When a police officer uses an otherwise impolite word during a stressful street encounter where that officer is attempting to maintain control of the situations, the police officer’s verbal slip does not rise to the level of actionable misconduct” (**Board Review 12**).

Det. Lamb explained he used the word “fuck” when speaking to § 87(2)(b) to underscore his authority and because § 87(2)(b) allegedly appeared willing to strike him. Based on the video evidence, Det. Lamb used the term “smartass” and not “Smart Alec” as he claimed. § 87(2)(g)

It is undisputed that Det. Lamb unnecessarily escalated the interaction. § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (**Board Review 14**).

CCRB Case # 202201013

- substantiated. § 87(2)(g)

Mediation, Civil, and Criminal Histories

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad: 16

Investigator:	<u>Nick Venduras</u>	<u>Inv. Nicholas Venduras</u>	<u>4/18/2023</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Patrick Yu</u>	<u>IM Patrick Yu</u>	<u>04/18/2023</u>
	Signature	Print Title & Name	Date

Reviewer: _____

Signature _____ Print Title & Name _____ Date _____